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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,493	04/02/2001	Timothy G. Curay	SPL-32	9371
7590	03/27/2008			
INTELLECTUAL PROPERTY LAW DEPARTMENT SQUARE D COMPANY 1415 SOUTH ROSELLE ROAD PALATINE, IL 60067-7399			EXAMINER	
			JACOBS, LASHONDA T	
		ART UNIT	PAPER NUMBER	
		2157		
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		03/27/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/824,493	<b>Applicant(s)</b> CURRAY ET AL.
	<b>Examiner</b> LASHONDA T. JACOBS	<b>Art Unit</b> 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
**THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed if the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 17 December 2007.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-41 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-41 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

**DETAILED ACTION**

*Response to Amendment*

This Office Action in response to the Appeal Brief filed on December, 172007. The Final Office Action has been withdrawn and prosecution has been reopened. Claims 1-41 are presented for further examination.

*Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-5, 8-13, 16-21, 24-28, 31-35, 38** and **41** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosner et al (hereinafter, "Rosner", US Pat. No. 6,298,376) in view of Sneeringer (U.S. Pat. No. 6,618,709).

As per claim **1**, Rosner discloses an Ethernet communications system for a power monitoring system, said Ethernet communications system comprising an Ethernet communication device operative in association with a power monitoring device, said Ethernet communications device including:

- a processor capable of functioning as a master device (col. 2, lines 45-53 and col. 3, lines 27-40); and

- a communications interface capable of gathering, under control of said processor real-time information from one or more slave devices (col. 1, lines 60-61, col. 2, lines 45-53 and col. 3, lines 21-26).

However, Rosner does not explicitly disclose:

- said processor and said communications interface further being operative for presenting said real-time information in a format useable by Hypertext Markup Language HTML pages.

Sneeringer discloses a method and computer architecture monitoring resource usage via a global network comprising:

- said processor and said communications interface further being operative for presenting said real-time information in a format useable by Hypertext Markup Language HTML pages (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneeringer discloses monitoring and providing energy management information from a remote browser application in which real-time data is presented through the Internet).

Given the teaching of Sneeringer, it would have been obvious to one of ordinary skill in the art to modify Rosner by providing energy management information from a remote browser application in which real-time data is presented through the Internet thus enabling a customer to be able to communicate the information clearly, easily and in a timely manner to their energy agent.

As per claim 9, Rosner discloses an industrial power metering system comprising:

- a power monitoring device (abstract and col. 2, lines 45-53); and

- an Ethernet communications device operatively coupled with said power monitoring device (abstract and col. 2, lines 45-53).

However, Rosner does not explicitly disclose:

- said Ethernet communications device including a processor and a communications interface capable, under control of said processor of gathering real-time information from said power monitoring device; and
- a web server capable of communicating through said communications interface for dynamically gathering, formatting and verifying real-time information from the power monitoring device.

Sneering discloses a method and computer architecture monitoring resource usage via a global network comprising:

- said Ethernet communications device including a processor and a communications interface capable, under control of said processor of gathering real-time information from said power monitoring device (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneering discloses monitoring and providing energy management information from a remote browser application in which real-time data is presented through the Internet); and
- a web server capable of communicating through said communications interface for dynamically gathering, formatting and verifying real-time information from the power monitoring device (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneering discloses monitoring

and providing energy management information from a remote browser application in which real-time data is presented through the Internet).

Given the teaching of Sneeringer, it would have been obvious to one of ordinary skill in the art to modify Rosner by providing energy management information from a remote browser application in which real-time data is presented through the Internet thus enabling a customer to be able to communicate the information clearly, easily and in a timely manner to their energy agent.

As per claims **17** and **31**, Rosner discloses an Ethernet communications method for a power monitoring system, said method comprising:

- gathering real-time information from said power monitoring device (col. 1, lines 60-61, col. 2, lines 45-53 and col. 3, lines 21-26).

However, Rosner does not explicitly disclose:

- presenting said real-time information in a format useable by Hypertext Markup Language pages.

Sneeringer discloses a method and computer architecture monitoring resource usage via a global network comprising:

- presenting said real-time information in a format useable by Hypertext Markup Language pages (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneeringer discloses monitoring and providing energy management information from a remote browser application in which real-time data is presented through the Internet).

Given the teaching of Sneeringer, it would have been obvious to one of ordinary skill in the art to modify Rosner by providing energy management information from a remote browser application in which real-time data is presented through the Internet thus enabling a customer to be able to communicate the information clearly, easily and in a timely manner to their energy agent.

As per claim 24, Rosner discloses an industrial power metering method comprising.

- monitoring power (col. 1, lines 60-61, col. 2, lines 45-53 and col. 3, lines 21-26); and
- gathering real-time information from said power monitoring (col. 1, lines 60-61, col. 2, lines 45-53 and col. 3, lines 21-26);.

However, Rosner does not explicitly disclose:

- dynamically gathering, formatting, verifying and communicating real-time information from the power monitoring device in a format usable by HTML pages.

Sneeringer discloses a method and computer architecture monitoring resource usage via a global network comprising:

- dynamically gathering, formatting, verifying and communicating real-time information from the power monitoring device in a format usable by HTML pages (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneeringer discloses monitoring and providing energy management information from a remote browser application in which real-time data is presented through the Internet).

Given the teaching of Sneeringer, it would have been obvious to one of ordinary skill in the art to modify Rosner by providing energy management information from a remote browser

Art Unit: 2157

application in which real-time data is presented through the Internet thus enabling a customer to be able to communicate the information clearly, easily and in a timely manner to their energy agent.

As per claim 38, Rosner discloses an Ethernet communications card apparatus for a power monitoring device, said Ethernet communications card comprising:

- a processor capable of functioning as a master device (col. 2, lines 45-53 and col. 3, lines 27-40);
- a communications interface capable of gathering, under control of said processor real-time information from one or more slave devices (col. 1, lines 60-61, col. 2, lines 45-53 and col. 3, lines 21-26).

However, Rosner does not explicitly disclose:

- said processor and said communications interface being operative for presenting said real-time information in a format useable by Hypertext Markup Language (HTML) pages.

Sneeringer discloses a method and computer architecture monitoring resource usage via a global network comprising:

- said processor and said communications interface being operative for presenting said real-time information in a format useable by Hypertext Markup Language (HTML) pages (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneeringer discloses monitoring and providing energy management information from a remote browser application in which real-time data is presented through the Internet).

Given the teaching of Sneeringer, it would have been obvious to one of ordinary skill in the art to modify Rosner by providing energy management information from a remote browser application in which real-time data is presented through the Internet thus enabling a customer to be able to communicate the information clearly, easily and in a timely manner to their energy agent.

As per claims **2, 10, 18, 25** and **32**, Rosner discloses wherein said processor is further capable of:

- functioning as a slave device (col. 2, lines 45-53).

As per claims **3, 11, 19, 26** and **33**, Rosner discloses:

- wherein said processor and said slave device are coupled, by said communications interface, in a daisy chain and wherein said Ethernet communications device is capable of using any of a plurality of protocols for either full duplex or half duplex communications, including SyMax, Modbus and Jbus (col. 2, lines 45-53 and col. 3, lines 4-13).

As per claims **4, 12, 20, 27** and **34**, Rosner discloses the invention substantially as claims discussed above.

However, Rosner does not explicitly disclose:

- a server coupled with said communications interface, said server operating for sending data to a browser for dynamically formatting and verifying real-time data gathered by said processors and communications interfaces using JavaScript and VB script.

Sneeringer discloses a method and computer architecture monitoring resource usage via a global network comprising:

- a server coupled with said communications interface, said server operating for sending data to a browser for dynamically formatting and verifying real-time data gathered by said processors and communications interfaces using JavaScript and VB script (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneering discloses monitoring and providing energy management information from a remote browser application in which real-time data is presented through the Internet).

Given the teaching of Sneeringer, it would have been obvious to one of ordinary skill in the art to modify Rosner by providing energy management information from a remote browser application in which real-time data is presented through the Internet thus enabling a customer to be able to communicate the information clearly, easily and in a timely manner to their energy agent.

As per claims **5, 21, 28** and **35**, Rosner discloses the invention substantially as claims discussed above.

However, Rosner does not explicitly disclose:

- a server operatively coupled with said communications interface, and further including a web browser capable of accessing said server and at least one processor in communication with said server, said web browser generating a login, and said processor responding to said login by generating an access token for said browser for permitting access by said browser for a predetermined amount of time.

Sneeringer discloses a method and computer architecture monitoring resource usage via a global network comprising:

- a server operatively coupled with said communications interface, and further including a web browser capable of accessing said server and at least one processor in communication with said server, said web browser generating a login, and said processor responding to said login by generating an access token for said browser for permitting access by said browser for a predetermined amount of time (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneeringer discloses monitoring and providing energy management information from a remote browser application in which real-time data is presented through the Internet).

Given the teaching of Sneeringer, it would have been obvious to one of ordinary skill in the art to modify Rosner by providing energy management information from a remote browser application in which real-time data is presented through the Internet thus enabling a customer to be able to communicate the information clearly, easily and in a timely manner to their energy agent.

As per claims **8, 16 and 41**, Rosner discloses the invention substantially as claims discussed above.

However, Rosner does not explicitly disclose:

- wherein said processor includes a Hypertext Transfer Protocol (HTTP) server for facilitating communications with an internet browser.

Sneeringer discloses a method and computer architecture monitoring resource usage via a global network comprising:

- wherein said processor includes a Hypertext Transfer Protocol (HTTP) server for facilitating communications with an internet browser (col. 5, lines 35-39, col. 6, lines 1-7, col. 12, lines 39-65, col. 15, lines 60-67, col. 16, lines 1-29 and col. 18, lines 37-46; Sneering discloses monitoring and providing energy management information from a remote browser application in which real-time data is presented through the Internet).

Given the teaching of Sneeringer, it would have been obvious to one of ordinary skill in the art to modify Rosner by providing energy management information from a remote browser application in which real-time data is presented through the Internet thus enabling a customer to be able to communicate the information clearly, easily and in a timely manner to their energy agent.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **6, 7, 14, 15, 22, 23, 29, 30, 36, 37, 39 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosner in view of Sneeringer and in further view of Butland et al (hereinafter, "Butland", U.S. Pat. No. 6,301,527)

As per claims **6, 14, 22, 29, 36 and 39**, Rosner in view of Sneeringer discloses the invention substantially as claims discussed above.

However, Rosner in view of Sneeringer does not explicitly disclose:

- a single physical interface chip capable of supporting dual physical Ethernet media types.

Butland discloses a power management system comprising:

- a single physical interface chip capable of supporting dual physical Ethernet media types (col. 2, lines 59-67, col. 3, lines 1-13).

Given the teaching of Butland, it would have been obvious to one of ordinary skill in the art to modify Rosner in view of Sneeringer by including Ethernet interface card for the purpose of providing an interface between the monitoring device and the web server thus allowing real-time data to be exchanged in a timely and efficient manner.

As per claims **7, 15, 23, 30, 37** and **40**, Rosner in view of Sneeringer discloses the invention substantially as claims discussed above.

However, Rosner in view of Sneeringer does not explicitly disclose:

- a fast Ethernet transceiver which provides a media independent interface for attachment to a 10/100 media access controller, and is capable of directly driving an N45 interface through magnetics and termination resistors and also provides a pseudo-ECL interface for use with 100Base Fx fast fiber transceivers.

Butland discloses a power management system comprising:

- a fast Ethernet transceiver which provides a media independent interface for attachment to a 10/100 media access controller, and is capable of directly driving an N45 interface through magnetics and termination resistors and also provides a pseudo-ECL interface for use with 100Base Fx fast fiber transceivers (col. 2, lines 59-67, col. 3, lines 1-13).

Given the teaching of Butland, it would have been obvious to one of ordinary skill in the art to modify Rosner in view of Sneeringer by including Ethernet interface card for the purpose of providing an interface between the monitoring device and the web server thus allowing real-time data to be exchanged in a timely and efficient manner.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-41 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/LaShonda T Jacobs/  
Examiner, Art Unit 2157

ltj  
March 25, 2008